

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

:
Plaintiff,

:
vs.

Case No. 3:09-CR-165

MICKEY FUGATE,

:
JUDGE WALTER HERBERT RICE

:
Defendant.

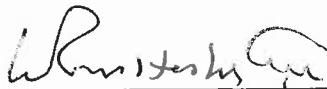
DECISION AND ENTRY DENYING DEFENDANT'S MOTION FOR
REVIEW OF DETENTION ORDER (DOC. #38)

The Defendant's Motion for Review of Detention Order (Doc. #38) is overruled, based upon the following reasoning.

Although significant evidence in the captioned cause has been ordered suppressed by this Court, said decision being presently on appeal by the Sixth Circuit Court of Appeals, the Indictment charging the Defendant has not been dismissed at this point and, accordingly, constitutes probable cause to believe the Defendant committed the offense for which he has been indicted. Moreover, this Court heard a great deal of evidence, during the oral and evidentiary hearing on the Defendant's Motion to Dismiss. That evidence, which certainly has not been proven beyond a reasonable doubt, has not "gone away" and satisfies this Court,

at this time, that the Government has shown, by clear and convincing evidence, that no condition of release or combination of conditions will reasonably assure the safety of any other person and the community. In short, considering the nature and circumstances of the offense, the undisputed evidence (as of this time) against the Defendant, the history and characteristics of this Defendant and the nature and seriousness of the danger to the community, based upon his past record and on the, as of now, undisputed facts in this matter, this Court cannot justify making a finding that would require his release on bond, there being no condition or combination of conditions, such as would guarantee the safety of any other person or the community.

October 27, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record